

Calendar No. 537

106TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 106-286

M/V SANDPIPER

R E P O R T

OF THE

**COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION**

ON

S. 1779



MAY 10, 2000.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

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Mr. MCCAIN, from the Committee on Commerce, Science, and
Transportation, submitted the following

REPORT

[To accompany S. 1779]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1779) “to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel M/V *Sandpiper*”, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

S. 1779, as reported, grants coastwise trading privileges to the vessel *Sandpiper*.

BACKGROUND AND NEEDS

Subject to certain limited exceptions, the law known as the Jones Act (section 27 of the Merchant Marine Acts of 1920), section 8 of the Act of June 19, 1886, and sections 12106 and 12108 of title 46, U.S. Code, provide that only those vessels built in the United States, continuously documented under the laws of the United States and continuously owned by U.S. citizens may transport merchandise or passengers in the coastwise trade, or engage in the fisheries, of the United States. Where the facts applicable to a particular vessel suggest the U.S.-built or U.S.-owned requirements have not been satisfied, the Coast Guard may not issue a document granting coastwise trading or fisheries privileges for that vessel unless the requirements of those Acts are statutorily waived. The vessel *Sandpiper*, U.S. official number 1079439, is a 48- foot sailing vessel that was constructed in Taiwan in 1998. It is owned by

Spring Line Company, LLC, of Augusta, Georgia. The vessel's owner intends to use it for sailing charters around the barrier islands of Georgia, Florida, South Carolina, and North Carolina. Because the vessel was constructed in a foreign yard, the owner has not been able to obtain coastwise trade privileges for the *Sandpiper*. Therefore, the owner is seeking a statutory waiver of the Jones Act for the vessel.

LEGISLATIVE HISTORY

S. 1779 was introduced in the Senate on October 25, 1999, by Senator Cleland. In open executive session on April 13, 2000, the Committee considered S. 1779, and ordered the legislation reported favorably without objection and without amendment.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 18, 2000.

Hon. JOHN MCCAIN,
*Chairman, Committee on Commerce, Science, and Transportation,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed several bills, which were ordered reported by the Senate Committee on Commerce, Science, and Transportation on April 13, 2000. Enacting these bills would have no impact on the federal budget. The bills do not contain intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act, and would not impose direct costs on state, local, or tribal governments. The bills would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bills reviewed are:

S. 442, a bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Looking Glass*;

S. 1261, a bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Yankee*;

S. 1613, a bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Victory of Burhnam*;

S. 1614, a bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Lucky Dog*;

S. 1615, a bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate en-

dorsement for employment in the coastwise trade for the vessel *Enterprize*;

S. 1779, a bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel M/V *Sandpiper*; and

S. 1853, a bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Fritha*.

The CBO staff contact is Deborah Reis. This estimate was reviewed by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

Because S. 1779 does not create any new programs, the legislation will have no additional regulatory impact, and will result in no additional reporting requirements. The legislation will have no further effect on the number or types of individuals and businesses regulated, the economic impact of such regulation, the personal privacy of affected individuals, or the paperwork required from such individuals and businesses.

SECTION-BY-SECTION ANALYSIS

The bill consists of one section. It provides that, notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S. Code App. 289), and sections 12106 through 12108 of title 46, U.S. Code, the vessel *Sandpiper*, United States official number 1079439, is eligible to engage in the coastwise trade and the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for such vessel.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.